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February - March, 1996

NEWSLETTER

96-004

Staff Additions

We at the State Ethics Commission wish to welcome Sandra D. McClellan to our staff. Sandra is working in the Compliance Division auditing Campaign Disclosure Forms and Statement of Economic Interests Forms. Sandra replaces Marge DeLee who has been promoted to the position of legal assistant in the Investigative and Legal Division.

Sandra is a graduate of Benedict College. She worked part-time with the Commission for credit hours in one of her college courses. Sandra will be glad to assist you with any questions you may have regarding filing your forms.

Carolina has one of, if not the, toughest ethics statute in the country. During the past twenty years, the Commission has issued advisory opinions, investigated and conducted hearings on complaints, as well as received myriad financial disclosures, campaign disclosures, and lobbyist registrations and disclosures.

The General Assembly passed a Concurrent Resolution expressing appreciation to the Commission's members and staff for their dedicated work during the past twenty years.

Training Sessions Offered

The State Ethics Commission is now offering training sessions for public employees, candidates for public office, public officeholders, public members, and lobbyist and lobbyist's principals

The schedule for May and June is as follows:

- May 7- Candidate training
- May 21- Public employee training
- June 4- Public employee training
- June 18- Public employee training

These sessions are scheduled from 9a.m.-12 noon. There is no charge, however, we must have reservations as we have limited capacity. Please call Hannah King at (803) 253-4192 for a reservation no later than 1 week before the session you plan to attend. The Commission also offers training programs on-site. Contact Hannah to schedule such a program.

Commission Celebrates 20th Year Anniversary

On February 20, 1976, the State Ethics Commission began operations with the purpose to restore public trust in public officeholders. The Commission was given responsibility for that mandate through requirements for financial and campaign disclosure as well as established rules of conduct. In 1991, the Ethics Reform Act was passed strengthening the provisions of the law and providing for administration of the lobbyist registration and disclosure provisions. Now, South

*Happy
Anniversary*

Dates to Remember...

The following dates are important to all those who file Statement of Economic Interests Forms, Campaign Disclosure Forms, Lobbyist Disclosure Forms, and Lobbyist's Principal Disclosure Forms.

APRIL 10 *Campaign Disclosure Forms due.
*Lobbyist and Lobbyist's Principals must file their disclosure forms for the period of Jan. 1 - Mar. 31.

APRIL 15 *Statement of Economic Interests Forms due.

***A reminder to all those who are filing forms: Please make sure that the forms are received *in our office* by 5:00 pm of the deadline day. The report dates are the date of receipt, not the postmark date. The Commission may assess penalties if forms are received late.

Ordering Agency Information

When you place an order with the Commission for forms, Ethics Act, manuals, etc., please indicate clearly where the information is to be sent. We have had several instances in which an organization placed an order and the only information for the return address was the organization's name, city and state. The ordered items will get to you faster if you include the following information: name of organization, name of recipient, address, city, state, and correct zip code. Please include a letter with your check (if there is a cost to your order) indicating what you are requesting and the address where the information is to be sent.

Placing Large Orders

Every so often someone will request a large number of copies from our agency. Please be aware that on large orders, we will ask for a deposit on the copies to be made. On occasion we have had a large order placed and, after we have made the copies, the requestor never came by to pay for the order. We will try very hard to complete your request as soon as possible. Some orders may require longer time than others, depending on the size of the request.

If you need any copies, forms, manuals, etc., please call or write with your request.

Gearing Up For 1996 Campaigns!

As you are probably well aware, the Presidential campaign season has arrived. Along with the election of the President, there will be a number of local elections and referenda throughout South Carolina. Following are several rules of conduct which all candidates for public office and public officeholders should be aware:

- * Public personnel, materials, or equipment are not to be used in any election campaign.
- * If elected, all service as a public officeholder must be performed on personal time.
- * Candidates may not campaign at public office buildings or solicit funds from subordinates.
- * Law Enforcement officers, Judges, solicitors, assistant solicitors or their investigators, Attorney General, Deputy or Assistant Attorney General or their investigators are prohibited from soliciting contributions except for their own campaign.
- * Law enforcement officers are prohibited from soliciting campaign contributions while in uniform.
- * Contractors may not contribute to a candidate who has taken action to award a contract to the contract unless it was awarded through public notice and competitive bidding.
- * Local candidates may not accept more than \$1,000 per person for each election cycle. Statewide candidates may not accept more than \$3,500 per person per election cycle. For example: a mayor may accept \$1,000 from someone in the primary election, and then accept \$1,000 from the same person for the general election.
- * There is no maximum amount which may be spent by a candidate for his campaign.

- * After an election, a local candidates may not be repaid more than \$10,000 for any personal loan to their campaign. Statewide candidates may not be repaid more than \$25,000 after the election for a personal loan to their campaign.
- * Anonymous donations are prohibited. Any anonymous contributions received must be donated to the Children's Trust Fund.
- * Cash contributions of \$25 or less may be accepted. Any contributions over \$25 must be in the form of check, money order, or cashiers check. Candidates must keep the name and address of **all** contributors who donated to their campaign.
- * Surplus funds may be maintained for a future race for the same office, refunded to the contributors on a pro-rata basis, donated to charity, or used to pay for expenses associated with holding the office (i.e., stationary, office equipment, newsletter, etc.)
- * All candidates must submit a Statement of Economic Interests Form at the time of filing a declaration of candidacy or petition to appear on the ballot. A Campaign Disclosure Form must be filed within ten days after receiving or expending \$500, and quarterly thereafter. All candidates must file a Campaign Disclosure Form at least fifteen days before each election, even if no funds were received or spent. Please contact our office for filing deadlines.
- * All candidates are reminded that they must open a separate campaign checking and/or savings account for deposit of contributions and payment of any expenses for their campaign. If the only expense will be the filing fee, a separate campaign account does not need to be established.
- * Candidates may not accept contributions from lobbyists. A lobbyist's principal may contribute to a campaign.

Our office has the forms required to run for public office. County election commissions and county party officials also have copies as do the County Clerks of Court. There are also manuals available to aid in

completing the forms and to discuss in further detail the reporting requirements. These manuals also discuss in detail the filing deadlines for all forms required. Please call our office if you would like to have a *free* manual or if you need any forms.

Manuals Available

We still have manuals available for all lobbyists and lobbyist's principals and candidates. If you would like to have a free copy of either manual(s), please contact our office.

We also have advisory opinions, contributor's names to statewide candidates, lobbyist and lobbyist's principals lists, and the Ethics Reform Act of 1991 available on diskette. Each diskette costs \$5. Please contact our office if you would like to purchase any of the above on diskette or need hard copies.

Advisory Opinions

SEC AO 96-007

March 20, 1996

SUBJECT: MATTERS AFFECTING PUBLIC HOSPITAL EMPLOYEES AND BOARD MEMBERS

SUMMARY: County Council members are advised to refrain from accepting meals and accommodations provided by vendors or other entities which have or are seeking to enter into contracts requiring approval of the Council.


What would you do...?

So, how did you do on last month's quiz? Some decisions faced by public officeholders and employees are difficult. Let's see how you would handle the following situation if you were a public employee or public officeholder. This is a 2 part question.

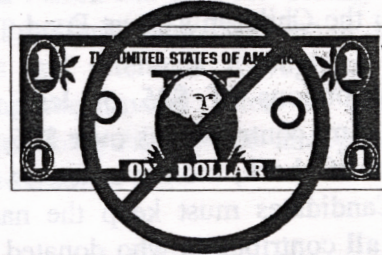


You are a police officer on patrol one night. While driving around, you notice a car dangerously weaving in and out of traffic. When you pull the car over, you notice that the driver is a well known politician. The politician tells you that if you don't write him (or her) a ticket, he (or she) will

use his (or her) connections to get you and your family free football tickets see Clemson play in the National Championship (knowing that you are a big Clemson fan). The politician says he (or she) will say it's a "gift between friends." Can the police officer accept the offer of the free football tickets? Is the politician within his (or her) right as an elected official to offer these free football tickets to the police officer?

 No. Section 8-13-705(A-D) prohibits any person from directly or indirectly giving or promising anything of value to a public employee, public member,

or public official with the intent to have the public employee, public member, or public official perform or fail to perform an act in violation of his or her official duties. Asking, seeking, demanding, soliciting, accepting, or receiving anything of value to influence your actions as a police officer constitutes **bribery** which is a felony under the Ethics Reform Act and is punishable by up to 10 years in jail and/or a \$10,000 fine.



"By requiring those who file statements of financial interests to identify their personal financial interests and those of their family members, filers are reminded of what their financial interests are and of the need to avoid affecting them by their official acts. Code violations also are deterred by the knowledge that filers' financial interests have been made a matter of public record, simplifying detection of violations."

J. D. Eaton, Executive Director
Connecticut State Ethics Commission

State Ethics Commission

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